

SENATE BILL 2802

By Roberts

AN ACT to amend Tennessee Code Annotated, Title 10,
Chapter 7 and Section 38-10-102, relative to
investigation reports.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-10-102, is amended by deleting the section and substituting:

(a) All state, county, and municipal law enforcement and correctional agencies, and courts, shall submit to the director of the Tennessee bureau of investigation reports setting forth their activities in connection with law enforcement and criminal justice, including uniform crime reports and reports of law enforcement-related deaths.

(b) The Tennessee bureau of investigation shall provide to the commissioner of health and to the general assembly, by March 31 of each year, a report on all law enforcement-related deaths that occurred in the prior calendar year.

(c) The Tennessee bureau of investigation, in consultation with the department of health, has the authority to promulgate rules regarding the collection and reporting of information concerning law enforcement-related deaths, with such rules to be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) As used in this section, "law enforcement-related death" means:

(1) The death of an individual in custody, whether in a prison, jail, or otherwise in the custody of law enforcement, pursuant to an arrest or a transfer between institutions; or

(2) The death of an individual potentially resulting from an interaction with law enforcement, while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer's law enforcement duties, without regard to:

(A) Whether the individual was in custody; or

(B) Whether a weapon was involved.

(e) All government entities required to report under this section shall maintain a record of deaths of individuals in custody as defined in subdivision (d)(1) that is open for public inspection and that contains:

(1) The identity and age of the deceased individual;

(2) The time and date of the death;

(3) The cause of death as determined by the county medical examiner when the cause of death has been determined by the county medical examiner pursuant to § 38-7-108; and

(4) Facts concerning the death of the individual that are in the possession of a government entity, provided that information that is relevant to an ongoing investigation may be redacted.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.